



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

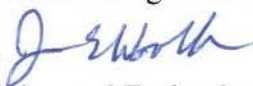
SEP 13 2013

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

OSWER Directive #9200.0-87

MEMORANDUM

SUBJECT: Change to Requirements for Notifying Headquarters of Intent to Establish or Deposit Funds in a Special Account When the Agreement is Silent on Special Accounts

FROM: James E. Woolford, Director 
Office of Superfund Remediation and Technology Innovation (OSRTI)
Office of Solid Waste and Emergency Response (OSWER)

TO: Superfund National Policy Managers, Regions 1 – 10
Regional Counsels, Regions 1 – 10
Assistant Regional Administrators, Regions 1 – 10

This memorandum is sent on behalf of EPA's Special Accounts Senior Management Committee (SASMC) to inform regions that they are no longer required to notify Headquarters of their intent to establish or deposit funds into a special account in those instances where the original agreement does not contain special account language. This memorandum supersedes the notification requirement in the "Model Notifications to Headquarters of Milestone Special Accounts Transactions" (April 22, 2011) with regards to instances where the original agreement is silent on the deposit of funds into a special account.

To ensure appropriate documentation of the redirection of funds, a note should be included in the site file. The note to the site file should document the region's intent to deposit funds into a newly established special account or into an existing special account, and should indicate the potential future costs for response work at the site that may be funded by the special account and the amount of funds that the region expects to deposit in the special account. We encourage the regions to use the attached model note and tailor it for the specific site needs to ensure proper documentation.

Modification of the original agreement, or seeking the consent of the potentially responsible party who is providing the funds, is neither necessary, nor required by CERCLA or Agency guidance.

If you have any questions, please contact Manuel Ronquillo (OSRE) at 202-564-6065 or Tracey Stewart (OSRTI) at 703-603-8791.

Attachment

cc: Mathy Stanislaus, OSWER
Barry Breen, OSWER
Cynthia Giles, OECA
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Lawrence Stanton, OSWER/OEM
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Nigel Simon, OSWER/OPM
Tracey Stewart, OSWER/OSRTI
Manuel Ronquillo, OECA/OSRE
Superfund Remedial Branch Chiefs, Regions 1 – 10
Superfund Removal Branch Chiefs, Regions 1 – 10
Superfund Enforcement Branch Chiefs, Regions 1 – 10
Regional Comptrollers, Regions 1 – 10
Special Accounts National Contacts, Regions 1 – 10

Intent to Deposit Note for Site File

Editor's Note: The Deposit Note should be used only when the original settlement language is silent on the creation of a special account. This note should be made part of the site file.

Information in **bold** and/or **[brackets]** requires insertion and/or updating, as appropriate.

NOTE TO SITE FILE

DATE: [insert date]

FROM: Regional Site Contact (e.g., Remedial Project Manager, On Scene Coordinator, Special Account Contact, etc.)

SUBJECT: Intent to [insert **“Establish a” or “Deposit Funds into an Existing”**] Special Account for the [Site Name] Superfund Site

Region [#] is [insert **“establishing a” or “depositing funds into an existing”**] special account for the [Site Name] Superfund Site (Site). The EPA Site Spill ID# is [insert number]. The funds will be received under [enter the agreement under which these funds will be received, including the title and date (e.g., **“an AOC entered into with ABC PRP, Inc. on January 1, 1998”**)], which is silent on the creation or use of a special account.

[Indicate the amount of money that will be deposited and briefly describe the potential future costs for response work at the site that may be funded by the special account.]

